IN THE HIGH COURT OF BOMBAY AT PANAJI

CRIMINAL MISC. APPLICATION (MAIN) NO. 29 OF 2007,
CRIMINAL MISC. APPLICATION (MAIN) NO. 31 OF 2007
AND
CRIMINAL MISC. APPLICATION (MAIN) NO. 33 OF 2007

Shri Aveline J. Pinto,
H.No. 10/7 Behind,
Jerry Coffin, Opp. Asilo Hospital,
Mapusa, Goa. ..... Appellant

V e r s u s

State (CID Panaji)
Through Public Prosecutor,
Velho Filho Bldg., 5th Floor,
Near Garden, Panjim, Goa. ..... Respondent

Appellant in Person.
Mr. C. A. Ferreira, Public Prosecutor for the State in CRMAM No. 29/2007 & 31/2007.
Ms. Winnie Coutinho, Public Prosecutor for the State in CRMAM No. 33/2007.

Coram:- N. A. BRITTO, J.

Date:- 1st March, 2007.

ORAL ORDER

Heard the applicant in person and Shri Ferreira, the learned Public Prosecutor, on behalf of the respondent.

2. It appears that the applicant is facing trial in four sessions triable cases, one of which is pending before the Children's Court and the other three namely Sessions Cases nos. 10/2004, 11/2004 and 5/2006 are pending before the Additional Sessions Judge (FTC), Panaji. From prayer (e) of the application in Criminal Misc.

Application (Main) No. 31/2007, it appears that the applicant as an accused is not interested in having his cases disposed of at an early date inspite of the fact that otherwise a right to speedy trial is recognized as a fundamental right, and for that reason, the appellant apparently wants his cases to be tried by a Court where his trial would go at a slow speed. Applicant's another grievance is that all the three cases are being taken up on the same day. This is explained by the learned Public Prosecutor by submitting that most of the witnesses in all the three cases are common and if that is so, witnesses are certainly required to be heard on the same day, in order to avoid inconvenience to them. The other grievance of the applicant is that all the three cases should not be tried by the same Sessions Judge. This cannot be accepted. On the contrary, it is desirable that all the three cases should be tried by the same Judge since most of the witnesses are common and in order to avoid conflicting judgments. A trial which concludes within a reasonable time, is both in the interest of the accused as well as in the interest of the State. In case the accused is not guilty, he certainly deserves to be acquitted and in case it is otherwise, he certainly deserves to be convicted. In either case, sooner that is done, it is better.

3. Although the applicant had an Advocate at the stage of framing of charge to represent him, it appears that at present, he does not have an Advocate and his application for Free Legal Aid is being processed by the District Authority under the Legal Aid Scheme. It is hoped that the learned Additional Sessions Judge (FTC), Panaji will give some reasonable time to the applicant to get an Advocate appointed under the Legal Aid Scheme and then only proceed with the trial of the aforesaid

three cases.

4. In case, any applications are filed by the accused and the same are pending, I have no doubt in my mind that the learned Additional Sessions Judge (FTC), will dispose them off after hearing the accused and the State as expeditiously as possible.

5. Learned Public Prosecutor has drawn my attention to the Order of the learned Additional Sessions Judge on application of the accused dated 22.01.2007, wherein the learned Judge has observed that the applicant is filing applications with a view to protract the trial.

6. Be as it may, with the above observations, I proceed to dismiss the applications.

N. A. BRITTO, J.

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